

MEMORANDUM

Date: January 2, 2001
To: All CEQA Lead Agencies
From: Terry Roberts, State Clearinghouse
Subject: New Legislative Requirements for Notices of Preparation (AB 1807)

A new requirement has been added to the California Environmental Quality Act (CEQA), as a result of the passage of Assembly Bill 1807. This new requirement took effect January 1, 2001, and requires any public agency acting as a "lead agency" under CEQA to provide a copy of all Notices of Preparation (NOPs) to the Governor's Office of Planning and Research (OPR). (See Public Resources Code Sections 21080.4 and 21081.7.)

Most lead agencies are already familiar with the requirement to submit NOPs to the State Clearinghouse Unit of OPR when there is a state responsible or trustee agency involved in the proposed project. AB 1807 requires a copy of every NOP prepared by a lead agency to be submitted to OPR, regardless of state agency involvement. This memo is intended to answer commonly asked questions regarding your obligation to submit NOPs to OPR. Please contact the State Clearinghouse at telephone (916) 445-0613 or email address state.clearinghouse@opr.ca.gov if you have any questions or comments.

1. Which NOPs must be submitted to OPR?

A copy of all NOPs must be submitted to OPR, regardless of the involvement of any state responsible or trustee agency. We recommend that lead agencies add OPR to their standard distribution lists for NOPs.

2. When must the NOP be sent to OPR?

The NOP must be sent to OPR immediately upon a determination by the lead agency that an environmental impact report (EIR) will be required for a project. The lead agency must send OPR a copy of the NOP at the same time that it sends the notice to responsible and trustee agencies (CEQA Section 21080.4).

3. To whom/what address should the NOP be sent?

The NOP should be addressed to the State Clearinghouse, OPR, P.O. Box 3044, Sacramento, CA 95812-3044. Please use our post office box for mailing purposes. Our street address is 1400 Tenth Street, Room 222, Sacramento, CA 95814.

4. How many copies of the NOP must be sent to OPR?

Only one copy is required by law. Since the State Clearinghouse will distribute copies of your NOPs to interested state agencies, we would appreciate receiving 15 copies of each NOP. If we receive only one copy, the time required to make photocopies could delay our distribution of the notice.

5. Does OPR require a transmittal form to be sent with the NOP?

OPR requests that a Notice of Completion form be completed and submitted with every NOP. The Notice of Completion form is available in Appendix C of the State CEQA Guidelines, the State Clearinghouse Handbook (Form A), and from the OPR website. The Notice of Completion form is necessary for accurate entry of project information into OPR's environmental database.

6. How will OPR process these NOPs?

OPR will routinely distribute copies of the NOPs to interested state agencies, including the appropriate Caltrans District office, for their review and comment. When OPR distributes copies of an NOP to state agencies, we remind them of the statutory requirement to provide comments to the lead agency within 30 days of receipt of the NOP. In addition, OPR will record the information about the project in our environmental database, and list the NOP in the bi-weekly State Clearinghouse Newsletter. OPR may occasionally comment on NOPs, as authorized by AB 1807.

7. How long is the review period on an NOP?

The review period for all NOPs is 30 days from the date of receipt of the NOP by the recipient agency (CEQA Section 21080.4(a)). OPR has no discretion to shorten this review period.

8. What happens if a state agency comments on the NOP?

The lead agency has an obligation to incorporate any information into the Draft EIR (CEQA Statute/Guidelines Section ____). If in its comments on the NOP, a state agency identifies itself as a responsible or trustee agency, then the Draft EIR must be circulated through the State Clearinghouse (refer to the criteria for submitting EIRs to the State Clearinghouse, CEQA Guidelines Sections 15205 and 15206).

AB 1807 authorizes OPR to make comments on the recommended scope and content of the environmental information that should be included in the Draft EIR, where it is germane to our statutory responsibilities. Therefore, OPR may prepare comment letters on NOPs in the future.

9. Must the subsequent Draft EIR be submitted to the State Clearinghouse if the NOP was previously submitted to OPR?

Not necessarily. AB 1807 only requires NOPs to be submitted to OPR, not EIRs. The criteria for submitting a Draft EIR to the State Clearinghouse for state level review have not changed (see CEQA Guidelines Sections 15205 and 15206). If your EIR does not meet these criteria, you are not required to submit the Draft EIR to the State Clearinghouse. Although AB 1807 requires lead agencies to submit all NOPs to OPR, the new law does not automatically require submittal of all related Draft EIRs to OPR.

10. Will public agencies be reimbursed for the cost of this new state mandate?

No. AB 1807 indicates that no reimbursement is required because local agencies and school districts have the authority to levee charges, fees, or assessments to pay for the program required by the bill.